IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

CRL.A.No. 899 of 2001()

ST.508/1998 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR
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APPELLANT: COMPLAINANT

MANAPPURAM GENERAL FINANCE AND LEASING LTD., BROTHERS COMPLEX, NAIKANAL, THRISSUR, REP.BY V.K.SATHYAJITH, LEGAL OFFICER, AND POWER OF ATTORNEY HOLDER OF NANDAKUMAR U.P., MANAGING DIRECTOR.

BY ADV. SRI.P.M.MOHAMMAD SHIRAZ

RESPONDENTS: ACCUSED
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1. **RAVEENDRAN V.R., VATANAPPILLY HOUSE, GANESHAMANGALAM, VATANAPPILLY P.O., THRISSUR DISTRICT.**

2. **STATE OF KERALA, REP.BY PUBLIC PROSECUTOR, HIGH COUR OF KERALA.**

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.899 of 2001(C)

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Dated this the 3rd day of August, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.508/1998 in the file of the Chief Judicial Magistrate, Thrissur, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 04/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.899 of 2001(C)

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J U D G M E N T

3rd August, 2007